

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SKYMARK PROPERTIES
CORPORATION, INC., *et al.*,

Civil Action No. 20-12372

Plaintiffs,

Sean F. Cox
United States District Judge

v.

MORTEZA KATEBIAN, *et al.*,

David R. Grand
United States Magistrate Judge

Defendants.

/

**ORDER DENYING PLAINTIFF'S' MOTION TO SHOW
CAUSE WHY DOUGLAS BERNSTEIN SHOULD NOT
BE HELD IN CONTEMPT (ECF No. 191)**

Before the Court is Plaintiffs' Motion to Show Cause Why Douglas Bernstein Should Not be Held in Contempt. (ECF No. 191). Bernstein filed an opposition to Plaintiffs' motion (ECF No. 197), and Plaintiffs filed a reply (ECF No. 225). The Court held oral argument on May 19, 2022. For the reasons stated on the record, **IT IS ORDERED** that Plaintiffs' motion (ECF No. 191) is **DENIED**.

While the Court had originally indicated the motion's denial would be without prejudice, it now clarifies that to the extent the motion sought an order for Bernstein to show cause as to why he should not be held in contempt, that aspect of the motion is **DENIED WITH PREJUDICE**, as there is no basis for finding Bernstein in contempt.

To the extent the motion sought Bernstein's deposition, the Court explained its skepticism about the propriety of such a deposition under the *Shelton* rule. *See Shelton v. Am. Motors Corp.*, 805 F.2d 1332, 1327 (8th Cir. 1986); *Alomari v. Ohio Dept. of Pub.*

Safety, 626 F. Appx. 558, 573 (6th Cir. 2015). However, depending on Plaintiffs' success in obtaining the information they seek from other sources, the Court was unwilling to say Plaintiffs could never satisfy *Shelton*. Accordingly, to the extent Plaintiffs' motion seeks an opportunity to depose Bernstein, that aspect of the motion is **DENIED WITHOUT PREJUDICE**.

SO ORDERED.

Dated: May 19, 2022

s/ David R. Grand
DAVID R. GRAND
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES REGARDING OBJECTIONS

The parties' attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S. C. § 636(b)(1).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 19, 2022.

s/Eddrey O. Butts
EDDREY O. BUTTS
Case Manager